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EXAMINER

FANG, SHANE

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

- No amendment has been submitted after the last FINAL rejection.
- The ODP rejections on claims 1-2, 9-11, and 15-20 over 11/629,264 has been **maintained**.
- The previous 103 rejections of claims 1-7 and 12 over Wang et al. (US 5952433) in view of Wang et al. (US 20020128382) has been **maintained**.
- The previous 103 rejections of claims 8-11 and 13-20 over Wang et al. (US 5952433) in view of Wang et al. (US 20020128382) and in further view of Deckwer et al. (US 6150490) has been **maintained**.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang et al. (US 5952433)** in view of **Wang et al. (US 20020128382)**.

The rejections of claims 1-7 and 12 are set for the in the previous action ¶15.

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3. Claim 8-11 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang et al. (US 5952433)** in view of **Wang et al. (US 20020128382)** and in further view of **Deckwer et al. (US 6150490)**.

The rejections of claims 8-11 and 13-20 are set for the in the previous action ¶¶6.

Response to Amendment

Applicant's arguments, with respect to the previous rejections have been fully considered and but not persuasive.

The applicant has argued Wang (US 6075118) does not disclose or fairly suggest a biodegradable polyester resin composition including a (meth)acrylic ester (B1) having two or more (meth)acryl groups or having one or more glycidyl groups or vinyl groups in the molecule thereof (Pg. 2, ¶ 5). The reference used for previous rejections are Wang et al. (US 5952433) and Wang et al. (US 20020128382). See ¶5 in the last action.

The applicant has argued Wang 382' fails to disclose polar monomers crosslinking with biodegradable polyester as recited in claim 1 (Pg. 2, ¶ , Pg. , ¶ 8-9). The examiner disagrees. Wang 382' discloses free radical initiators as one kind of other reactive ingredients that may be added to the composition ([0073]). The crosslinking Wang 382' refers to crosslinking through C=C bonds via free radical reaction. This disclosure does not exclude the situation of crosslinking via mechanisms other than free radical polymerization. Wang 382' discloses adding glycidyl acrylate (claim 8, used in the previous rejection), an acrylic ester having one glycidyl groups. It

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can be grafted through C=C bonds to polyester composition with 0.1-0.5% of initiator to avoid undesirable crosslinking through C=C ([0074]). The crosslinking would inherently occur via condensation reactions of glycidyl groups on the side chain upon heating (Examples).

The examiner has found Wang 382' does not teach away from the present invention. Moreover, as to applicant's argument on resultant excellent flexural modulus, one ordinary skill in the art would have expected the process and the composition disclosed by 382' and 433' to feature the flexural modulus because these references obviously satisfy all of the material and chemical limitations of the instant invention-see MPEP 2112.01.

Therefore, the previous rejection has been **maintained**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANE FANG whose telephone number is (571)270-7378. The examiner can normally be reached on Mon.-Thurs. 8 a.m. to 6:30 p.m. EST.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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sf

/Randy Gulakowski/
Supervisory Patent Examiner, Art Unit 1796